**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
0003.0577/PC23195B

In re Application of: Beyerinck et al.

Application No.: 10/766,651

Filed: 01/27/2004

For: METHOD FOR MAKING HOMOGENEOUS SPRAY-DRIED SOLID AMORPHOUS DRUG DISPERSIONS UTILIZING MODIFIED
SPRAY-DRYING APPARATUS

The owner*, Bend Research, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 6,973,741 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

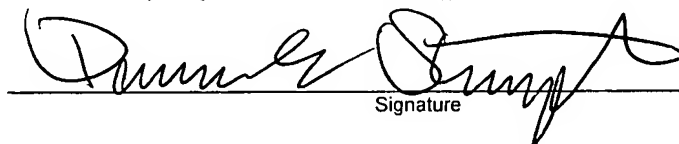
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 28,763


Signature5/26/09
Date

Dennis E. Stenzel

Typed or printed name

(503) 278-3304

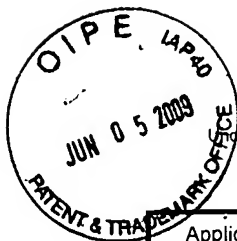
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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Bend Research, Inc.

Application No./Patent No.: 10/766,651

Filed/Issue Date: 1/27/2004

Entitled: **METHOD FOR MAKING HOMOGENEOUS SPRAY-DRIED SOLID AMORPHOUS DRUG DISPERSIONS UTILIZING MODIFIED SPRAY-DRYING APPARATUS**

Bend Research, Inc.

, an Oregon corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title, and interest

The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Ronald A. Beyerinck, Heather L.M. Deibele, Dan E. Dobry, Roderick J. Ray, Dana M. Settell and Ken R. Spence To: Bend Research, Inc.
The document was recorded in the United States Patent and Trademark Office at Reel 013460, Frame 0553.

2. From: Bend Research, Inc. To: Pfizer Inc.
The document was recorded in the United States Patent and Trademark Office at Reel 013460, Frame 0548, and Reel 013575 Frame 0336.

3. From: Pfizer Inc. To: Pfizer Products Inc.
The document was recorded in the United States Patent and Trademark Office at Reel 013460, Frame 0544, and Reel 013575, Frame 0332.

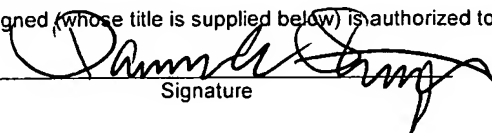
4. From: Pfizer Inc. and Pfizer Products Inc. To: Bend Research, Inc.
The document was recorded in the United States Patent and Trademark Office at Reel 021998, Frame 0880.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., a true copy of the original document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.


Signature

5/26/09
Date

Dennis E. Stenzel
Printed or Typed Name

(503) 278-3304
Telephone Number

Attorney for Applicant
Title

COPY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION EXAMINING OPERATIONS

POWER OF ATTORNEY

I, Bruce W. DeKock, declare that I am authorized to execute this document on behalf of BEND RESEARCH, INC., an Oregon corporation, which is the assignee of the entire right, title and interest in and to the patents and applications set forth on Exhibit A hereto and hereby appoint the practitioners of the firm of CHERNOFF, VILHAUER, McCLUNG & STENZEL L.L.P. associated with Customer Number

00152

of 601 S.W. Second Avenue, Suite 1600, Portland, Oregon 97204-3157, telephone number (503) 227-5631, and facsimile number (503) 228-4373, its attorneys, jointly and individually, to transact all business in the Patent and Trademark Office connected therewith.

The Commissioner is requested to direct all communications regarding said patents and applications to the attention of Dennis E. Stenzel, Esq., Chernoff, Vilhauer, McClung & Stenzel, LLP, 601 S.W. Second Avenue, Suite 1600, Portland, Oregon 97204-3157.

BEND RESEARCH, INC.

Dated: Dec. 10, 2008

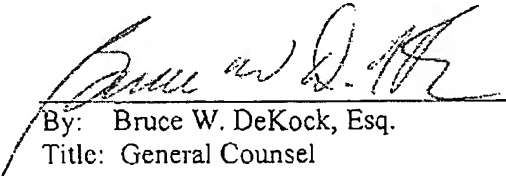

By: Bruce W. DeKock, Esq.
Title: General Counsel

EXHIBIT A

PC Number	US Application No. or Patent No.	Priority Date	US Filing Date	EP Publication No.	PCT Publication or Application No.
PC07476B	5,612,059	25-Sep-92	25-Sep-92	EP 0 357 369 B1	
PC07476C	5,698,220	25-Sep-92	5-Jun-95	EP 0 357 369 B1	
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PC09674C	10/458840	11-Aug-97	9-Jun-03		
PC09858A	10/727217	11-Dec-02	3-Dec-03	EP 1 572 163 A1	WO2004052343A1
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